NON-OFFICIAL BILLS

(1) THE COCHIN CHRISTIAN SUCCESSION ACT (AMENDMENT) BILL

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I beg to move that the Cochin Christian Succession Act (Amendment) Bill as reported by the Select Committee be taken into consideration. As there are several members newly returned to the Council and as they are not sufficiently aware of the discussions that have taken place over this Bill, I may be permitted to deal with this subject in a little detail. The object of the Bill, of course, is to improve the status and position of Christian women in Cochin and I wish to impress upon the House that the position of women in the whole world has changed thoroughly during the past 20 or 25 years. In England, 20 or 25 years ago women were not enfranchised. Now, it will be seen on the Treasury Bench of the House of Commons also ladies sitting and daughters of venteran Leaders like Mr. Lloyd George and Mr. Ransay Mecdonald have got their own daughters as Under-Secretaries. Women are so advanced in England. If you consider the tremendous war efforts undertaken by the wives of the three great leaders, Mr. Churchill, President Roosevelt, and Chiang-Kai-Sheik you will see how much women are helping the cause of the Allies. And Madame Chiang-Kai-Sheik is not a stranger to this House. We unanimously sent greetings to her on her first visit to India.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* At your instance.

Mr. A. V. Moothedan *(Chalakkudi):* Yes. I thank you for reminding me of it. I shall now read a passage from her speech. That noble lady is now touring in America and she had the rare privilege of addressing a joint Session of the House of Representatives and the Senate of the United States of America. I am told that only the King of England had the privilege of addressing such a session before. She is so much honoured and in the House of Commons every member of the Parliament is urging Mr. Churchill to invite her to England. It will be interesting to read one passage from a speech she delivered in her own old College. It is taken from "Hindu" dated 9th March 1943.

"When I was a student here the world was then weltering in rivers of blood. Today these rivers have swollen into oceans. What can you do to help to bring about a State which would uphold peace and maintain world fellowship amongst all nations? Cloistered and sheltered at the time of our revolution, Chinese women have stepped out into a new world, a stark world stripped of the amenities and comforts which generally surrounded the inner court. From the highest to the lowest, the change has been marked, although among the former and labouring classes, Chinese women always had more freedom than their more affluent sisters".

Madame Chinag quoted Article 48 of the Chinese Constitution saying that men and women shall have equall opportunity in education. "Chinese women during the past five and a half years of war have made even more rapid strides towards true equality. In every province of China, occupied China included, there is a women's advisory Council. Its work comprises relief for refugees, care of the wounded and of war orphans and stimulation of production. A noteworthy point is that whereas a woman's position of yore was gauged by the social, economic and political position of her husband the Chinese woman today stands on her own feet and is acknowledged for what she is".

Madame Chiang Kai-Shek was overcome by emotion when she returned to her old University here. She nearly collaps as she began her speech to the students and clung desperately to the lectern before her. With the aid of smelling salts, she was able to continue." This is an inspiring message which Madame Chiang-Kai-Sheik delivered to American citizens. And, coming nearer home, what is the position in British India? Even in British India, our own mothercountry, we will find there are very eminent lady leaders. Mrs. Sarojini Naidu and Mrs. Vijayalakshmi Pandit and such ladies are inspiring examples of our womanhood. Though we may not agree with all their policies and principles, they are outstanding examples as to how far women can progress. If you look to the Christian community, is their any lady in India whose reputation has gone beyond their village or town? Now, coming nearer home in Cochin State, what is the position of women in Christian society. There is not a single lady who has got an All-India—nay an all Kerala—reputation. They may befamous in one District or Taluk but with an all-Kerala reputation, there is not a single lady. Sir, I may state that the progress of the Christian community depends to a large extent on the progress of women. It has been said by Emerson that national greatness is the sum-total of individual greatness. Out of the total Christian population, nearly 60 per cent are women and therefore, if this 60 per cent, is not progressing or advancing, how can you say that Christian community is progressing? The advancement of the Christian community

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means the advancement of every individual. If that is the principle, so long as they have not got equality of status in society and economic independence, then, how can you say that community has advanced? Sir, I am sure that nobody will accuse me that I have been rushing with this legislation. This Bill had been in this House for the past nearly three years and I had been very slowly and very cautiously dealing with it because in social legislations of this nature it is better to proceed slowly. I am not sorry for that. Very many merchants of Trichur yesterday told me "We were not sufficiently aware of these provisions and therefore we opposed the bill." "I find no harm at all. It is a harmless bill." That is the opinion now prevalent among a certain number of merchants in Trichur. That is the latest information. That is the information I received on Sunday last. We moved for eliciting public opinion and a large volume of opinion was received. In that it is stated by no less a person than Mr. Thomas Manjuran that no such law is known anywhere in the world, that equality for women is not known anywhere and therefore I took the trouble of looking into the laws prevailing in other countries. The law in England is the law of primogeniture, the eldest son succeeds to the Estate. If you have any doubt I would refer to Halsbury's Laws of England. (Voices: We have no doubt on the point.) Regarding personal estate every child has equal share. There was a committee appointed by the Government in the year 1095 in connection with the existing Christian Succession Act. Before the present Act of 1097 was passed a committee was consulted. There was a dissenting minute. They said something about primogeniture.

It was urged by one of the witnesses, that it is natural to desire the perpetuation of one's family in the male line, and he instanced primogeniture and the zemindari system as proof of this. The analogy is misleading. Both primogeniture and the zemindari system are due to the same—a feudal—cause. As Blackstone says in his commentaries. "The true reason of preferring the males must be deduced from feudal principles, for by the genuine and original policy of that constitution, no female could ever succeed to a proper 'feud,' in as much as they were incapable of performing those military services for the sake of which that system was estalished." It is true that the law of primogeniture and the preference of male survive in England. It does no harm there, but is it not a warning to us not to mar our laws in the making? The law of primogeniture does no harm in England, because nearly everybody in England who has any property leaves a will.

That statement that everybody in England leaves a will is the correct fact. If you want I shall narrate one incident. I was in the Colonial service in Kulalumpur. My immediate superior was a European an Englishman about 40 years old. On the eve of going on a picnic to some hills he gave me a sealed cover and said: "This is my last will and testament. If anything happens to me you must prove this will." The man was only 40 years old. But he was careful in writing a will. I want our people also to follow this practice instead of leaving family affairs in a chaotic state. Then there was another attack saying that giving equal share to women is irreligious. I saw an article to that effect in the "Sathianadam." There is a book called the Anthropology of Syrian Christians by L. K. Ananathakrishna Iyer. I will read a passage from page 119 of that book.

"Among the Christians of different denominations in Cochin, as in Malabar and Travancore, there is an uncertainty and diversity of practice regarding the system of inheritance and succession. Some are said to follow the customary or canon law, while others are governed by ecclesiastical authority. There are again others who adopt the provisions of the Indian Succession Act. In regard to the rights of women, there is still considerable uncertainty about the exact law applicable to each community. From the earliest times, the Syrian Christians are said to have followed the Biblical law as laid down by Moses for the guidance of the ancient Jews. But these laws are now no longer observed by them."

"Another treatise of great repute that has to be mentioned in this connection is the famous work of Alfonso Ligouri, a great Italian scholar, on Moral Theology, wherein the rules regarding inheritance are distinctly laid down. According to him, both the daughter and son are entitled to an equal share in their father's estate."

St. Alphonso was a saint and he said that equal share could be given to the daughter and the son. Where is the irreligiousness? It will be seen from the opinions received here that the Administrator of the Cochin Diocese supports this bill. He is a Protugese man. I had occasion to speak with him about this bill. He said: "Some people asked me why I support this bill." He said according to the law prevailing in Portugal sons and daughters are entitled to equal share. Therefore this equality of share to male and female child is not an unknown thing.

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Then, coming back, Sir, what is the law in British India. According to the law in British India, *i.e.*, the Indian Succession Act, if a man dies intestate, sons and daughters get equal shares. The Christians in British India are prospering. The Hon'ble President, who has 25 years experience in British India, will testify that the Christians in Mangalore, Tuticorin, Coimbatore and Madras are progressing very well. By this Act there is no harm at all. What is the meaning of saying that if this Bill is passed the community will go to dogs? I cannot understand. Because of this Bill, are the Christians in British India not progressing, or going to dogs? They are prospering very well, there. Everywhere Christians are progressing. And, I do not know what is the reason for opposing this Bill? The only thing is orthodoxy mere sentimentalism. This is the position of women's law in British India.

Coming to our State, before the year 1097 there was no Christian Succession Act and Mr. P. I. Varugis and the other Judges applied the Act to cases in the State. Then Mr. M. A. Chacko says there was a hue and cry. I don't know who made the hue and cry. They made representations to the Government and a committee was appointed in the year 1095. The Members of the committee were very able men. Justice P. I. Varugis, Mr. M. A. Chacko (He is no more) Mr. Joseph Thaliath, a retired Chief Justice of Travancore, Mr. V. D. Ouseph, who was a Chief Justice of the High Court, Rev. Michael Nilavareth, Mr. N. O. Inasu, Mr. P. C. Varkey. These are the seven members. These people drafted a Bill. That Bill was accepted and became law. According to that Act the present position is if a father dies intestate the daughter gets 1/3rd share of a son but if she has been given sthreedhanam she gets no share at all. If a will is written she has no share. What I want this amendment is 1/3 to be changed into equal. That is the only simple amendment and the other things stand. The report of the committee was not unanimous. Three members of the committee have written dissenting minutes. They suggested that equal share should be given. Those members were Mr. P. I. Varugis, Mr. V. D. Ouseph and Fr. Nilaverath. They represent all the three big communities, non-Catholics, Syrian Catholics and Latin Catholics.

Mr. C. V. Iyyu *(Kunnamkulam)*: Mr. P. I. Varugis is only an Anglican.

Mr. A. V. Moothedan *(Chalakkudi)*: I said he is a non-catholic and he was occupying the highest position in our judiciary. These three gentlemen have written a recommendation in 1095, 23 years ago, that equal share should be given. My suggestion contained in this Bill is not my invention. Sir, this is the position with regard to the laws at present.

Now I shall just read to the members some of the opinions received, because I do not want to hide anything. I shall place everything before the House. Outside the Council, I should say the Leader of the Opposition is Mr. M. A. Chacko because he has written an opinion about 30 pages long. I have got the greatest respect for him though I may not agree with him. He has done great service to the Christian community and his opinion deserves to be considered. According to him, women have no position in society. If an invitation is issued it is in the name of the husband. In the church they have no position. That is the summary of his opinion and therefore they should not be given any share. At the most they should be given a dowry. This opinion should have been presented to that Committee in 1095. Now the question is not to give a share or dowry. The question is whether 1/3rd should be increased to an equal share. Even Mr. Chacko says this change may be effected after a decade or so. He does not say that this change should never be made. I shall read his opinion—concluding portion.

> "To demolish all these ancient customs and practice by one stroke, which the amendment Bill proposes to do, is, to my mind, fraught with danger. I am therefore of opinion that it will be better to defer the question of equal share for the daughters for a decade or two; to give time for the community to adopt reforms in the religious and social customs above indicated, and prepare the ground for the advancement in the matter of inheritance advocated by the bill to follow as the cart should do, behind the horse."

Therefore, he does not oppose the idea for all time. He says that for some time this question may be kept pending. After that nearly three years are over. That is the leader of the opposition. The Deputy Leader of opposition, so to say, is Mr. Thomas Manjuran. Even in those days, in 1095, he recommended that a widow should be given only a life estate. There was only one or two people supporting him. The majority said that the widow should be given absolute estate. Even in those days he gave reactionary and die-hard opinion and time has not changed his mind. I shall read one sentence from his opinion. Mr. Manjuran's argument is also similar to the argument of Mr. Chacko. Mr. Chacko says that this can be introduced after a decade or so. But this gentleman does not even say so. His idea seems to be "Syrian Catholics and other Christians should be governed by different laws. In British India almost all the Christians are recent converts. But we are Syrian Christians born from heavens and converted by St. Thomas. So, our law should not be changed. I say no Christian will write such an opinion.

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"I have very good reasons to think that that Act was promulgated without consulting at all the sentiments or opinions or investigating the customs of the vast Christian communities that exist in Cochin and Travancore. Of the several million Christians that exist in British India the vast majority of them are converts of a more or less recent date and there is no a very small nucleus of Syrian Christians among them, perhaps extending to about a hundred thousand at the most. The vast bulk of the Syrian Christians of India as indeed of also the more or less ancient Christian communities inhabiting Cochin and Travancore and an arbitrary measure introduced in British India need not and cannot provide an adequate basis or justification for such a violent departure as is now proposed by Mr. Moothedan".

A Christian means one who follows Christ. What was the example set up by Christ? Christ was a Jew. All his disciples were taken from the lowest strata of society. He gave up his chosen people and selected fishermen and toll-keepers as disciples. Mr. Manjuran wants a set of law for the heaven-born Syrian Christians and a different set of law for the Latin or other Christians who are fresh converts. I thoroughly repudiate that opinion which is most unchristian. I leave it there. Now I shall read the opinion of Mr. C. V. Antony, who was also a Chief Justice. His opinion is very dignified and also very short. He no doubt opposes the Bill. He says at present no change is required. I shall read his opinon.

"The change proposed to be introduced by the amendment is to make the daughter's share equal to that of the son in the estate of her deceased intestate father. In my opinion such a change in the existing law is not called for at present. Amongst Christians, it is the son who perpetuates the family and actively helps the father in cultivating his lands and in carrying on his business. The daughter is married away when quite young and goes to her husband's house. She consequently bears no part in the hardships and trouble involved in the up-keep of the father's estate. It is therefore only equitable that some consideration should be shown to the son; and in almost every community we find such consideration shown to the person who, by law or custom, is destined to perpetuate the lineage. Every man desires—specially in India where the family ties is strong—that his family should endure and prosper for ever and an extreme manifestation of that desire we find in the law of Primogeniture obtaining among the Nambudiries of Kerala and among the nobility of England. I think it is not time yet to act in complete disregard of that natural desire".

I have very great respect to that opinion though I do not agree with it. I don't say that man and woman can live independently of each other. St. Paul has said that wife must submit to her husband. Everywhere wife should submit to her husband.

The House adjourned for lunch at 1 p.m. and reassembled at 2-30 p.m. with Rao Sahib K. Ayyappan, Deputy President in the Chair.

Mr. A. V. Moothedan *(Chalakkudi)*: Sir, I was just commenting upon certain opinions received for and against the Bill. I shall just read the opinion given by Mrs. Iyyu. She is a British subject and she fully supports the Bill and she says it is regrettable that the women of Cochin are keeping so silent without changing the law and the words she used I shall read.— "സാമ്പത്തികമായി യാതൊരു കുഴപ്പവും ബ്രിട്ടീഷിലെ കുസ്യാനികൾക്കു ഇൻഡ്യൻ സക്ഷൻ ആക്ട് കൊണ്ടു ഈ കാലംവരെ വന്നിട്ടില്ല. കൊച്ചിയിലും ഇപ്പോൾ ശ്രീമാൻ മൂത്തേടൻ വിവക്ഷിച്ചിട്ടുള്ള ഭേദഗതി ബിൽ പാസാകുന്നപക്ഷം യാതൊരു സാമ്പത്തിക കുഴപ്പവും വരുവാനില്ല." It should be presumed that her opinion must have been heavily censored by Mr. Iyyu, before sending it to the Council Secretary. Even then she has said in the most emphatic terms that no catrastrophe has fallen the British Indian subjects on account of this law. On the other hand, they have only prospered. Then there is the opinion of Dr. Mrs. Francis. She is a very ardent supporter of the Bill and before the Committee of 1095 she appeared and gave very valuable evidence. It has been quoted by the Committee in their report and they said they were very much impressed by her enthusiasm. She says in her own family, they were giving equal share. Then, there is Mr. Joseph Pettah. Mr. Pettah for reasons given by Mr. Chacko and others opposes this Bill. Then he gives an analogy which is very interesting. I shall read his very words.

"Surprisingly enough, there are those who point to this last resort of the father (his freedom to make a will) as an argument to assure the Christian public of the harmlessness of the Bill. This sounds like a man, who goes about torpedoing ships, saying that his action is quite harmless in as much as every passenger is provided, or ought to provide himself, with a life-belt with which he can escape the consequences of a ship-wreck."

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This argument to say the least, is the quite inapplicable. My Bill to give equal share to women he compares to that of a man's action in torpedoeing a ship. Torpedoeing a ship is the highest crime imaginable. And that person should be tried for high treason. What is my Bill. To do natural justice to women. And none of my friends will ever say that I have committed an offence. But Mr. Petta goes to the extent of saying that I am committing high treason. That analogy is quite inapplicable.

Then, Sir, I should in this connection say one or two words regarding the reception the members of the Select Committee received at Trichur. We had two days' sitting there and from the bulk of opinion received I thought I will be received at the station with a black flag.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Fortunately you were spared.

Mr. A. V. Moothedan *(Chalakkudi)*: The meeting was to be held in the Town Hall. But not a single person was present. Even the leaders who were invited did not attend,

Mr. T. P. Poulose *(Kanayannur)*: I must refute that statement. I was a member of the Select Committee.

Mr. A. V. Moothedan *(Chalakkudi)*: Did Mr. Inasu come?

Mr. T. P. Poulose *(Kanayannur)*: Some gave evidence; some for and some against.

Mr. A. V. Moothedan *(Chalakkudi)*: Six came, 3 for, 2 neutral, one against. Is it so? Sir, I may point out that I thought when this great calamity is going to fall upon this Ghristian community and when the Bill was going to be discussed at Trichur which is the centre of Christianity in the State, all the people will be there to watch the discussions. Not a single person was present. There was a Christian peon by name Michael. Even that fellow did not turn up. We had great trouble to get him. So much of enthusiasm the people have got for this Bill. If things were as they were represented to me, at Trichur there would have been strong opposition. A huge crowd would have collected and stoned us. On the other hand those responsible leaders never came and gave evidence. On last Sunday I had been to Trichur and some of these leaders who opposed the Bill told me like this: "We opposed the Bill because we were under a misapprehension. If the women who is given sthreedhanam, is not entitled to any share, we have no objection at all. I met Mr. Chakkola Palu Lonappan and Mr. Chalisseri Pailoth, etc. and none of them were aware of this provision. Therefore, all these are mere words, mere clamour. The Hon'ble Member for Kattur was telling me that the custom in the family will be upset. Kattur is opposite Edathuruthy which is in British India. He is going there every day. He has relations there. But the law applicable in Edathuruthy is different from the law applicable in Kattur. But the Edathuruthy people are not at all affected. This is like a storm in a tea-pot. Without any ground for the sake of some sentimentalism, a hue and cry is raised. I think some people are afraid that if women are given equality they won't obey their husband's orders. No woman of character will do that, whether there is property or not.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Obedience is mutual.

Mr. A. V. Moothedan *(Chalakkudi)*: Regarding that there is a remark in the dissenting minute.

> "Another witness was afraid that equal shares to women would tend to make wives too independent! Let husbands study to make partners of their wives, in the sense of Lord Bryce, instead of drudges, and they will discover a type of conjugal felicity which will not be destroyed by independence. A third witness told us that it was unscriptural to make women equal to men in the matter of inheritance, because St. Paul said "Wives, be in subjection to your husbands". We should have thought that St. Paul was here appealing to the best instincts of women. He did not say "Husbands, subdue your wives; if other means fail, try starvation".

This was the opinion given 20 years ago by eminent people like Mr. P. I. Verghese, Mr. V. D. Ouseph and Fr. Nilavareth. There is no scriptural objection. There is no religious objection. What I find is some sentiment, some meaningless orthodoxy. There is no substance in the opposition. The people were opposing this as "Ayithochadanam". When the Thiyya Bill was introduced, so many Ezhuvas were saying "Our community will be affected and so on." That argument that it is a calamity has no meaning at all.

Another argument I wish to advance is that now we are all planning for a United India. Christians also should be united. For that purpose we must have one uniform law for Christians wherever they are in India. That is the principle. In British India there are 60 lakhs of Christians. In the Cochin State there are only 4 lakhs. They are following one law in British India. Let us follow the majority. Minority has to follow the majority. That is the rule. And that law is not unjust or inequitable. Even for having that Federal India this will help, if we have a uniform legislation in the matter of Christian succession. Those who support complete responsible Government and constitutional reform should not oppose this Bill. Because this is a step in that direction.

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In conclusion I wish to say only one or two words. Some of my friends told me that there is a convention that Nayars and Hindus cannot take part in this deliberation. There is absolutely no such convention here. When the Nayar Act was discussed here I remember Mr. Puthezath Rama Menon was canvassing me to assist him.

Mr. B. M. Peter *(Latin-Christian Mattancheri):* It is not a fact.

Mr. A. V. Moothedan *(Chalakkudi):* Where were you then? You were in Andikkadavu. I was in the Council. The Nayar Act was discussed in the Fourth Council. I was a member. Mr. Rama Menon was sitting near me. The Nayars were divided. Some conservatives did not want that legislation. We voted according to our discretion. Therefore, there is no convention. If the members belonging to other communities find that what we ask is natural justice, vote for us. Don't care for orthodoxy and sentimentalism. It is high time that we must bid farewell to antiquarian ideas. It will be seen that in a Nayar family daughters and sons are given equal share.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* What about the brother's son among Nayars?

Mr. A. V. Moothedan *(Chalakkudi):* That I don't know. What I said is in a joint family daughters and sons are given equal share. That is the only point pertinent here. Therefore, my respectful submission to the members of other communities in this House is they must use their best judgment. They are free to vote according to their sense of justice. 60 per cent of the Christians are down-trodden people. We want to ameliorate their condition. This is the first step. I don't say that any spectacular result will be achieved by this Bill all at once. I am not going to introduce any other reforms into the Community. We shall see how it works. With these few words I would request the members of the other communities to consider the justice of our claims and do justice.

Mr. L. M. Pylee *(Latin-Christians Ernakulam):* Sir, I beg to second the motion. Sir, this is a question that has been longstanding. Nearly 25 years ago, I happened to give evidence before the Christian Succession Committee that sat at the time. Even so far back as that there was a considerable section of opinion in favour of giving equal share to daughters in cases of intestacy, and as far as I could make out, the progressive section of opinion at that time—and I think my statement will be borne out, if you refer to the volume of evidence then taken was in favour of this measure. Still Fate had its own way and it was decided that a daughter should be given only ⅓ of a son's share. 25 years have passed, and under that law the Christian Community has been living. I ask, Sir, is it not time that the Christian community should make progress in this respect after having lived under the present law for nearly a quarter of a century. When this Bill was brought for consideration before this House, all the arguments in favour of it and all the arguments against it have been thrashed out. It is not for me to repeat those arguments. Very often, Sir, it is urged that custom is against this innovation. To urge at this date that custom stands against a progressive piece of legislation like this, I doubt it as anti-diluvian and ultra-conservative, and discreditable to a body that is sitting here to enact progressive measures of legislalation. This morning, I heard it stated that it is the sons that pertuate the family. What an argument to be brought against this Bill. What, if the family is perpetuated. or not perpetuated. If the sons perpetuate one family, the family into which the daughter is married may also be allowed to perpetuate as well. Then, again, Sir, it has been said that it is necessary to conserve all the wealth which a family has got perpetually within the limits of that family for all generations to come. I dare say it is a wrong economic principle that wealth should be tied down to be possessed and enjoyed enternally by any particular family. Wealth is meant to circulate and all legitimate facilities should be given in order that wealth may circulate amongst the people. In the matter of conserving the wealth which the family has got, I ask the Hon'ble Members how far that aim is going to be achieved by opposing this measure. Have you not seen with your own eyes how many families are brought to wreck and ruin by sons, extravagant and spendthrift sons, to whom their fathers conserved, after immense labour, all their wealth and left it to their sons, despoiling the daughters by depriving of their legitimate share. And after the father's death how many families have gone to wreck and ruin! In my own community I know that the present members of the rich families of some time back, the aristocratic families of a generation or two before, are today coolies in Mattancheri and elsewhere. Yes, their fathers gathered wealth. Their fathers gave all their wealth to their sons, took care to give as little as possible to the daughters. The members of such rich families, how many of them are coolies today, "mere hewers of wood and drawers of water"! Are you then going to conserve your wealth in your families by providing that daughters should not be given equal share? Is that a sufficient safeguard and by that

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safeguard are you going to conserve and perpetuate all the wealth in a family? I daresay the purpose will not be achieved by this arrangement.

Then, Sir, about religious customs and religious usages. In the course of the evidence, I came across the opinion given by some eminent members of the Christian community that Canon law is against it. I am not an expert in Canon law. Yet I can emphatically state that Canon law is not against it. There is absolutely nothing in Canon law against the principle of the innovation that is contemplated by this Bill. Then, as far religion, as a Christian I must say that the principle of justice and equity demands that at least in intestate succession daughters should be given equal share with the sons. If Christianity stands for anything, it is for justice, it is for equality, and I do not see any reason why the name of Christianity should be called in aid of a custom, which to my mind is immoral and which requires to be changed therefore as early as possible. Sir, very often both inside and outside the House we hear it said. "The volume of opinion of the community is against it". We saw some specimen of "the volume" on the last occasion when the Bill was being discussed. We saw a long list of petitioners who do not know even how to sign their names, and had to put crosses instead of their signatures. Yes, You will find in the file huge list of such petitions against the Bill. Against that it might be told that eminent persons too have given their opinion against the Bill. But my point is this. This is not a matter in which we have to be guided by mere volume of opinion. It is not quantity that must count, but quality. That you must bear in mind. Sir, I ask the House how many progressive pieces of legislation have been supported by the volume of opinion of the communities concerned. Take for instance, measures in British India. In British India it has been found that whenever progressive social measures are brought before the Legislature, huge vociferous volumes of opinion were thrown against them. And, what does the Legislature do? In such cases, the legislators know their duty, and instead of taking the quantity, they take the quality of the opinion. They realise that they are the leaders of the people and as such they have sometimes to oppose the quantum of opinion of the community concerned and push forward with the measure. I ask the Hon'ble Members of this House, "Are we *to be led* by the common people or are we *to lead* them?" Yes, Sir, I understand that we must show due deference to the opinion of the people. We must indeed, respect their wishes. As Burke once pointed out. We must take their opinions into consideration and great deference should be shown to the wishes of the people of the constituency that have elected us. That is true. But, at the same time, as Burke further said, we must use our own judgment, our discretion, our commonsense. They have sent us here not as telephone wires. They have sent us here in order to exercise our individual judgment, our discretion, and often *to lead* them instead of *being led* by them. We are now faced with a question of principle, of justice and equity. And, if in a matter of justice and equity, of removing a custom that is really obnoxious, and unjust, we have to give a lead to the people, even if it is true that there is a large volume of opinion against the innovation.

One more point, Sir, and it is that to a large extent there is a misunderstanding among some people relating to this Bill. I am speaking from my own personal experience. I talked to a gentleman sitting in the President's gallery this morning. After hearing all the discussion and the speech made by my hon'ble friend, Mr. Moothedan. the visitor came out and said. "No, no! there is no question of giving equal shares". I asked why. When I questioned him further I knew that he had not understood that it is only in cases of intestate succession that the proposed provision would apply. He thought that in each and every case even if the father is alive the daughter is to share equally with the son in the father's assets. There are many people who have this misunderstanding. Secondly, that provision about Sthreedhanam, *i.e.*, those daughters who have been given Sthreedhanm are not to enjoy the benefits of this innovation, is also not known to many people.

To my mind, Sir, the so-called huge agitation against this innovation is mainly based upon this misunderstanding. Many people when they came to know the real facts, they have opened their eyes and said "we have no objection if the new provision is to apply only in the case of intestate succession". The bill is in its final stage. Many matters have been thrashed out during several previous meetings of the Council. Unfortunately there ary many members who were not here at the early stages of thc Bill. Mr. Iyyunni was against the innovation. Mrs. Iyyunni was strongly in favour of the innovation. (A voice: That is but natural). Yes, If that is natural, here is a question of natural justice. We stand for justice. We stand for equity. We stand for equality. And, if a community like the Christian community cannot be a progressive community, cannot change this unjust custom, cannot make an amendment in the

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anti-diluvian law that has been in the statute book for nearly 25 years, and against which even 25 years ago there was so much of opinion, indeed, it will be unworthy of that community. It is high time, Sir, that the Christian community rise against the selfishness of some of its members, rise against their narrow-mindedness, rise against this untenable plea of custom? If custom had been followed, none of us would have been sitting here. If custom had been followed, many of us should have shaved our heads. Yes, Sir, nothing more is to be said about this plea of custom. And, therefore, merely on principle of justice, fair-play and equality, on the desirability of moving along with the times, we must pass this progressive measure. Are we to lag behind? Above all, is the Christian community to lag behind? Opposing this measure is not going to ruin families, nor will it safeguard against ruin brought by other causes. Therefore, let not these puerile considerations, these antiquated arguments be made to stand in the way, and let not the name of religion be called in to justify injustice and inequity. I call the present system of depriving the daughters of their legitimate right an un-christian system, an un-christian law that is on the Statute book. We must remove from there this un-christian law it is not right on the part of any Christian to say that this innovation is against Christianity.

Sir, I, therefore, with all the vehemence I can command and with all my whole-heartedness support this innovation which I say has been long overdue.

Mr. M. K. Devassy *(Adur)* : Sir, I rise to oppose this motion. I am rather diffident to rise after the eloquent and emotional speeches of my Hon'ble friends who have to their credit Madam Chiang-kai-Shek and the weighty word of progress. When this bill was taking a shady path during the last few sittings of this Council Mr. Moothedan bringing it and withdrawing....

Mr. A. V. Moothedan *(Chalakkudi)* : I never withdrew.

Mr. M. K. Devassy *(Adur)* : Then he was absent. I was feeling that he was showing due deference to the views of the community, that he has grown wiser and this bill is going to take the natural course which it ought to have taken. I find now that this mischievous thing.....

Mr. A. V. Moothedan *(Chalakkudi)* : Sir, without interrupting I would explain. Mr. Iyyunni and Mr. Antony approached me saying that we shall talk about the matter. I said all right. I am always agreeable for compromise. After that much has happended. Mr. Iyyunni has resigned.

Mr. M. K. Devassy *(Adur)* : Probably, Sir, I think that the provocation for the Hon'ble Member to once again bring this bill to light is the speech of Madam Chiang-kai-Shek with which he began his speech. From the report of that speech Hon'ble Members might be aware that when she got up on the platform she was already overcome by emotions. As you know reason and emotion can seldom co-exist. Assuming that she could still command reason where is Madam Chiang-kai-shek, where is this Bill and where is Mr. Moothedan? I say they are poles apart. What Madam Chiang-kai-Shek means is an entirely different thing from the principle of this Bill. What does she say? In China they have stopped the custom of addressing a woman coupled with her husband's name, as Mrs. Moothedan. *(Laughter)*. Let it be Mrs. Devassy. *(Laughter)*. I am not upon any particular individual. She is addressed by her own name, independence to woman as woman thus being translated into action. Where should this independence be established? Is it in the family that she has left, with which she is bidding good-bye or should it be in the family which she is going to join. We all know the chiristian customs. The woman goes to the husband's house. She takes her permanent residence and company with her husband. Madam Chiang-kai-Shek says "Look here man, you husbands, don't persecute your wives, give her liberties, let her exercise her independence and rights. Give her complete liberty. Don't persecute her in your house". That freedom which Madam Chiang-kai-Shek contemplates is the freedom in the husband's family. It is not the freedom in the family of the father which she has already left. Madam Chiang-kai-Shek was in America. She is now gone back to China. Mr. Moothedan's Bill is here and its principles are entirely different. And my Hon'ble friend says "The moment you give dowry this has no operation". Madam Chiang-kai-Shek opposes that as long as the dowry goes to the woman and never to her husband.

Mr. A. V. Moothedan *(Chalakkudi)* : How do you know that?

Mr. M. K. Devassy *(Adur)* : If you have understood her correctly you must have known that. So that if you want to effect an improvement in the affair of the fair sex, if you want to put them in progressive line give them independence of action and equality of opportunity in the husband's family. It is the relationship between husband and wife that you should try to improve, over which you should legislate. In England there are laws for this. The Married Women's Property Act in England is a legislation which gives this equality of opportunity and

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it is independence in her husband's house. It is that type of law which should be introduced for improving the relation between man and woman. It is not the law which should tamper with the conditions in her father's house with which she has nothing to do, a house which she has left for good, that you should introduce. Now, Sir, what is the effect of this legislation? It is very easy to say that we should have a progressive legislation. Progress is a very enchating word. A train that moves in the right direction and a train that moves to the ocean, both the trains are running, both are progressing. But one train will be falling in the ocean and will be lost. Therefore, progress should be in the right direction, in the direction of reason and in the direction of practical considerations. When once the proposition is conceded that the sentiments and customs obtaining in the Christian community are against the principle of this legislation and when once the effect of this legislation can only be optional and not compulsory, we have to look into the several practical considerations and see that the legislation has the desired effect. A christian father enjoys absolute liberty to will away his property. The moment you pass a legislation which is repugnant to his views, which is repugnant to the customs of that community, to the sentiments of that community, it will be the outlook of the Christian father to see that his sentiments stand, that his wishes survive your legislation. Therefore, he leaves a will, damns your law and Mr. Moothedan's Bill with all its enthusiasm, sinks. The will survives.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : Such fathers will be very few.

Mr. M. K. Devassy *(Adur)* : No. You are absolutely wrong. I say if you will examine the wills left by Christian fathers in Cochin State you cannot find 2 per cent of those wills which give equality in shares.

Mr. A. V. Moothedan *(Chalakkudi)*: That is a fallacious argument. My friend says that in all the cases of wills the share given much less than 1/3. Many fathers knowing that there is an Act if no will is written the daughters will get 1/3 they refuse to write, a will. Their idea is let them take it. Many people deliberately refuse to write a will. Those fathers who have not written testaments know that the law must take its own course. They don't want to stop it. Therefore, they die intestate. They know there is a law because it is presumed that every man knows the law. That analogy is not correct. That is applicable only to testamentary succession.

Mr. M. K. Devassy *(Adur)* : The argument is very interesting. A Christian father who thinks that his daughter should get equal share does not write a will and my friend says that a father who does that in his heart of hearts the desires that his daughter must get her equal share. If that is the inference, when the law gives only 1/3 share to the daughter, will a sensible Christian father who wants that his daughter should get an equal share die intestate ? I stand to be converted if you are reasonable.

Mr. A. V. Moothedan *(Chalakkudi)* : You are impossible of conversion.

Mr. M. K. Devassy *(Adur)* : I emphasise this point because this is an important principle which should guide the House, that a legislation which is optional in its character can be passed by this House in as practical a manner as possible and with the desire that it sh uld have the maximum effect and that as long as the existing law gives every liberty to the father to do as he likes in spite of the legislation we should so model our legislation as to be consonant with the sentiments of the community in order to give it a practical colour. There are only two cases. Where most of the Christian fathers die intestate it is clear that they don't want their daughters to get equal shares. Take the other case where Christian fathers leave wills. What is the percentage of such wills which give equality of shares. Does my Hon'ble friend repudiate the fact that you won't get 5 per cent of such wills which give equality of shares between the son and the daughter ?

Mr. A. V. Moothedan *(Chalakkudi)*: It is irrelevant.

Mr. M. K. Devassy *(Adur)* : My submission to this House is that we have to carefully consider the question whether this legislation which we are going to enact will be effective, whether this House is going to play the part of a Dictator against the wishes of the community and a dictator who cannot enforce his orders ? My Hon'ble friend consistent with the conventions obtaining in this House and in other Legislature wanted us to obtain the views of the community and see whether this bill will stand the test of the communitie's view. Several months were given. The Select Committee had its sittings. Letters were circulated, evidence was taken, and you find the majority of the members of the community opposing the Bill. My Hon'ble friend, Mr. Pylee, said that some of the Members who expressed their views did not know how to put their signature. Sir, among the list of persons opposing this Bill, I find the names of Rao Sahib C. V. Antony, Mr. Thomas Manjuran, Mr. Parambi Lonappan,

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Dr. C. L. Joseph, Mr. C. P. Lonappan and Mr. N. O. Inasu. So don't decry the view expressed by eminent persons by simply quoting the names of persons who do not know how to put their signatures. (A voice: Question). You may question. I am glad that you stick on to your views Mr. Pylee, a view which you formed 25 years ago, when you were but a boy.

Mr. L. M. Pylee *(Latin Christians-Ernakulam):* Then I was a lecturer in the Maharaja's College.

Mr. M. K. Devassy *(Adur):* 25 years ago Mr. Pylee formed a view. What Mr. Pylee would have been 25 years ago we can all imagine. My submission to this House is that bereft of all sentiments, emotion, glamour of the word "progress" we have to apply practical considerations.

Mr. L. M. Pylee *(Latin Chrisitans-Ernakulam):* If there is emotion, there is also reason in it. Only you are not aware.

Mr. M. K. Devassy *(Adur):* Considering that important aspect of this legislation, this House has to see whether this Bill is in any way in consonance with the sentiments, practice, customs and desires of the members of the community.

Now, I would come to the other aspects. Much is said of the desirability of giving equality of treatment to the son and the daughter. Much is also said of the advantages of passing this legislation so far as it affects the fair sex. Those Hon'ble Members who have had occasion to intimately study the conditions of the Christian community will know that in a large percentage of Christian families, you will find grown-up daughters remaining unmarried for the simple reason that their parents cannot give fabulous dowries. In fact, that evil custom which prevails today eats into the vitals of the Christian community to such an extent that reformers of the community are taxing their heads to find a way out of this custom. What will be the effect of passing this legislation upon the dowry system, I ask. A husband to whom ⅓ share is due asks for Rs. 5,000 knowing full well that even in the case of a father dying intestate, he will get only ⅓. If that ⅓ share will cost Rs. 3,000 he will demand Rs. 5,000. If that share is raised, if Rs. 2,000 is raised to Rs. 3,000 the husband demands Rs. 7,000. This legislation will give a positive encouragement to the dowry system which even now eats into the vitals of the community. It can never be in the opposite direction. It is not the question of the father grudging to give. It is only a question of sheer impossibility to find out ready cash, to dispose of his daughter. It is a question of respectable families finding grown-up daughters with their fathers shedding tears, a factor which cannot be helped either by the father or by the mother but which could be helped only by the customs of the community. I am saying that this legislation would be doing a positive disservice to the Christian daughters who otherwise would have been deprived of money, but in the case of passing this legislation, they would be deprived of the natural justice, the right of getting a husband.

Mr. A. V. Moothedan *(Chalakkudi):* In British India, no ladies are married.

Mr. M. K. Devassy *(Adur):* If my Hon'ble friend has already spent time to take statistics of unmarried daughters, I have no case. I said that it is only a reasonable inference from the existing custom to think that it will be the likely consequence of passing this legislation.

Then, much is said about the relationship which a wife should bear to the husband and *vice versa*. I hold my own views. I am now only concerned with the relationship between brothers and sisters, so that, in opposing this motion, I have only to place before this House that bereft of all sentiments, in placing an enacting optional legislation for the guidance of the community, we should have practical considerations and viewed from the practical considerations, this would do a positive disservice to the members of the Christian community inasmuch as the fathers will always be vigilant to write their wills. If it is the intention of my Hon'ble friend to do a service to the daughters, it will be actually doing a disservice, the moment the legislation goes against the wishes of the community. I, for one, cannot be a party to that sort of legislation which will do a positive harm to the women of the Christian community.

Mr. K. M. Ibrahim *(Cranganur):* Can you kindly give us some light about the conditions in British India?

Mr. C. V. Iyyu *(Kunnamkulam):* I can give you the necessary information.

Mr. M. K. Devassy *(Adur):* The Varugis Committee has not considered this question. Our Select Committee has not considered this question. The only course open is to draw inferences.

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മിസ്റ്റർ സി. വി. ഇയ്യു: സർ, ബഹുമാനപ്പെട്ട അവതാരകനും ബഹുമാനപ്പെട്ട ലത്തീൻ ക്രസ്ത്യൻ മെമ്പർ മിസ്റ്റർ പൈലിയും ഇപ്പോൾ നിലവിലുള്ള ക്രസ്ത്യൻ അവകാശക്രമം ക്രസ്തമത തത്വത്തിനു വിപരീതമാണെന്നു ഗംഭീരമായി പ്രസംഗിച്ചതു നിമിത്തമുള്ള തെറ്റിദ്ധാരണകൾ നീക്കാൻ മാത്രമാണു് ഞാൻ എഴുന്നേറ്റതു്. ക്രസ്തമതതത്വത്തിനു വിരോധമായ ഒരു അവകാശക്രമം ഇവിടെയുള്ള ക്രസ്തമതാദ്ധ്യക്ഷന്മാർ ഒരു ദിവസംപോലും വെച്ചുകൊണ്ടിരിക്കുവാൻ സമ്മതിക്കുകയില്ല. ഈ ബില്ലിനെപ്പറ്റിയുള്ള അഭിപ്രായം അറിയുവാൻ ക്രസ്ത്യാനികളിൽ വിവിധവകുപ്പുകളിലേയും മതാധികാരികളായ മെത്രാന്മാർക്കും മെത്രാപ്പോലീത്തന്മാർക്കും ബില്ലിന്റെ കോപ്പികൾ അയച്ചുകൊടുത്തിട്ടുണ്ടു്. അവരെല്ലാവരും ഇതിനെക്കുറിച്ചു നിഷ്പക്ഷമായിരിപ്പാനിടയായതുതന്നെ നിലവിലുള്ളനിയമം മതവിരുദ്ധമല്ലെന്നു തീർച്ചയാണു്. യേതു ക്രസ്തയാതൊരുവിധമായ അവകാശക്രമവും ഉണ്ടാക്കീട്ടില്ല. ക്രസ്തമതത്തിൽ അവകാശക്രമത്തെസംബന്ധിച്ചു യേതു ക്രസ്തയാതൊന്നും നിയന്ത്രിച്ചിട്ടില്ല എന്നാണു് ക്രസ്ത്യാനികൾ വിശ്വസിക്കുന്നതു്. ക്രസ്തലോകത്തിൽ മനുഷ്യരൂപത്തിൽ സഞ്ചരിച്ചിരുന്ന കാലത്തു ഒരിക്കൽ ഒരാൾ അദ്ദേഹത്തോടു മുതലവകാശക്രമത്തിൽ ഒരു തീരുമാനംചെയ്തതന്റെ സഹോദരന്മാരുമായി സ്വത്തനുഭവിച്ചു തരുവാനാവശ്യപ്പെട്ടതിൽ തനിക്കു ആ കാര്യത്തിൽ ശ്രദ്ധയില്ലെന്നും, സ്വത്തനുഭവിക്കാനുള്ള കാര്യത്തിൽ താൻ വിളിക്കപ്പെട്ടിട്ടില്ലെന്നുമാണു് അദ്ദേഹം മറുപടി പറഞ്ഞതു്. തുക്കിരാജ്യത്തു ക്രസ്ത്യാനികൾക്കു് മഹമ്മദൻ Law ആണു് ഉള്ളതു്. കൊച്ചിരാജ്യത്തുതന്നെ ഹിന്ദുലാ അനുസരിക്കുന്ന ക്രസ്ത്യാനികൾ ചിറ്റൂർ താലൂക്കിലുണ്ടു് തിരുവിതാംകൂറിൽ മരുമക്കത്തായം അനുസരിക്കുന്ന ക്രസ്ത്യാനികളുണ്ടു്. ബ്രിട്ടീഷിൻഡ്യയിലെ ക്രസ്ത്യാനികളുടെ അവകാശക്രമത്തിനുള്ള നിയമം ഒന്നു വേറെയാണല്ലോ. തിരുവിതാംകൂറിലെ നിയമത്തിൽ ക്രസ്തൻ പുത്രന്റെ സ്വത്തിന്റെ ഓഹരിയുടെ നാലിലൊരു ഭാഗത്തിനേ ക്രസ്തൻ പുത്രിക്കു് അവകാശമുള്ളു. അതു മാക്സിമം അയ്യായിരം ഉറുപ്പികയെന്നു ക്ലിപ്പപ്പെടുത്തുകയും ചെയ്തിട്ടുണ്ടു്. എന്നാൽ ഇവിടെ മാക്സിമം തീർച്ചചെയ്തിട്ടില്ല. ഇതിനെല്ലാത്തിനും പുറമെ ഫ്രാൻസിലും ഇംഗ്ലണ്ടിലുമുള്ള നിയമം ഒന്നു വേറെയാണു്. ഫ്രാൻസിൽ ഒരു സ്ത്രീയെ വിവാഹം കഴിച്ചാൽ ആ സ്ത്രീയും കൂടി ചേർന്നിട്ടുവേണം വസ്തു തീറുകൊടുക്കുവാൻ എന്നു കൂടി ഉണ്ടത്രേ! വടക്കെ മലബാറിലുള്ള മുഹമ്മദീയർക്കു മരുമക്കത്തായമാണു്. തെക്കുവാട്ടസ്വത്തു മരുമക്കത്തായപ്രകാരമാണു് ഇപ്പോഴും വീതിക്കുന്നതെന്നു മലബാറിൽനിന്നു കല്ല്യാണംകഴിച്ചിട്ടുള്ള ഒരു മുഹമ്മദിയൻ എന്നോടു ഒരു മാസത്തിനുള്ളിൽ പറഞ്ഞിട്ടുണ്ടു്. മിസ്റ്റർ ഇസ്മായിൽ സേട്ടുവിന്റെ സമുദായത്തിൽപെട്ടവർക്കു ഹിന്ദു നിയമമാണു് ബാധകമായിട്ടുള്ളതു്.

ഈ ബില്ലിനെപ്പറ്റിയുള്ള എന്റെ സ്വന്താഭിപ്രായവും ഡാക്ടർ സി. എൽ. ജോസഫിന്റെ അഭിപ്രായവും ഇവിടെ ഇതിനുള്ളിൽ അറിഞ്ഞിട്ടുണ്ടു്. ഞങ്ങളുടെ അഭിപ്രായമാണു് സഭ ആദരിക്കേണ്ടതു്. ഞങ്ങളുടെ അഭിപ്രായമായിരിക്കും നിഷ്പക്ഷമായിട്ടുള്ള അഭിപ്രായം. ഞങ്ങൾക്കു് ആൺകുട്ടികളും പെൺകുട്ടികളും ഇല്ല.

മിസ്റ്റർ എ. ഈച്ചരമേനോൻ: മിസ്സിസ്സു് ഇയ്യുവിന്റെ അഭിപ്രായമെന്താണു്?

മിസ്റ്റർ സി. വി. ഇയ്യു: മിസ്സസ്സു് ഇയ്യുവിനു എന്തെങ്കിലും അഭിപ്രായമുണ്ടായിരിക്കാം. വിവാഹ ജീവതത്തിലുള്ള അഭിപ്രായം രാഷ്ട്രീയമായ കാര്യങ്ങളിൽ നോക്കേണ്ട ആവശ്യമില്ല. രാഷ്ട്രീയമായ കാര്യങ്ങൾക്കു ജയിലിൽ പോയിട്ടുള്ളവരുടെ ഭാര്യമാർ എല്ലാവരും ജയിലിൽ പോയിട്ടുണ്ടോ? അതുകൊണ്ടു ഈ വക കാര്യങ്ങളിൽ എന്റെ ഭാര്യയുടെ അഭിപ്രായം ഒന്നു വേറെയായിരിക്കും. എന്നാൽ സ്ത്രീകൾക്കും പുരുഷന്മാർക്കും ഏതാണ്ടു സമുദായത്തിൽ സമതലം കൊടുക്കേണ്ടതാണെന്നാണു് എന്റെ സ്വന്തം നിലയിലുള്ള അഭിപ്രായം. അതുകൊണ്ടു സമുദായത്തിനു വലിയ തരക്കേടൊന്നുമില്ല. അതു മിസ്റ്റർ മൂത്തേടൻ വിവക്ഷിച്ച രീതിയിൽ വേണമെന്നില്ല. അതു വെറും അനുകരണഭ്രമം മാത്രമാണു്. ഞാൻ ഒരുബിൽ ഇവിടെ കൊണ്ടുവന്നിട്ടുണ്ടു്. സമുദായത്തിന്റെ പഴയ നടപടിയെ അസ്സ്വദപ്പെടുത്തിയുള്ള ഒരു ബില്ലാണതു്. അമ്മയുടെ സ്വത്തിന്റെ മൂന്നിരട്ടി മകൾക്കു കൊടുക്കണമെന്നു അതിൽ പറഞ്ഞിട്ടുണ്ടു്. ഇപ്പോൾ അമ്മയുടേയും അപ്പന്റേയും സ്വത്തിൽ മകനുള്ള ഓഹരിയുടെ മൂന്നിലൊന്നേ മകൾക്കു കിട്ടുവാൻ അധികാരമുള്ളു. അപ്പന്റെ സ്വത്തിൽ മകനു കൂടുതൽ കിട്ടുന്നുണ്ടെങ്കിൽ അമ്മയുടെ സ്വത്തിൽ മകന്റെ മൂന്നിരട്ടി മകൾക്കു കൊടുക്കണമെന്നാണു് ഞാൻ പറഞ്ഞിട്ടുള്ളതു്.

ജസ്റ്റീസു് തോമസ്സു് മാഞ്ഞൂരാൻ പറഞ്ഞ അഭിപ്രായത്തെക്കുറിച്ചു് മിസ്റ്റർ മൂത്തേടൻ പറഞ്ഞതു് വിമർശനാർഹമാണു്. അദ്ദേഹം ആ ക്രൈസ്തവാശയം ആണു് പറയുന്നതെന്നു്

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പറഞ്ഞതു സാഹസമായിപോയി. അതു മുത്തേടനു പറയുവാൻ പാടില്ല. അതു തീച്ചയാക്കേണ്ടതു് മതാദ്ധ്യക്ഷന്മാരാണു്.

മിസ്റ്റർ എ. വി. മൂത്തേടൻ: ഞാൻ എന്റെ അഭിപ്രായമാണു് പറഞ്ഞതു്.

മിസ്റ്റർ സി. വി. ഇയ്യു: അങ്ങിനെ പറയുവാൻ പാടില്ല. അദ്ദേഹം ക്രിസ്തുമതതത്വത്തിനു വിരോധമായ അഭിപ്രായമാണു് പറയുന്നതെങ്കിൽ അദ്ദേഹത്തെ ക്രിസ്ത്യാനിയായിട്ടുവെച്ചു കൊണ്ടിരിക്കുവാൻ എറണാകുളം മെത്രാപ്പോലീത്ത് സമ്മതിക്കുകയില്ല. സാമാന്യമായിട്ടു പറയുകയാണെങ്കിൽ സിറിയൻ ക്രിസ്ത്യാനികളുടെയിടയിൽ അവർ മറവു ക്രിസ്ത്യാനികളേക്കാൾ മീതെയാണെന്നു ഒരു മിഥ്യാ ധാരണയുണ്ടു്. അതുവെച്ചുകൊണ്ടു അദ്ദേഹം വല്ലതും പറഞ്ഞിട്ടുണ്ടെങ്കിലും മിസ്റ്റർ മൂത്തേടൻ അങ്ങിനെ പറയുവാൻ പാടില്ല. ഇവിടത്തെ ലത്തിൻ ക്രിസ്ത്യാനികളിൽ വളരെ അധികം യഥാർത്ഥത്തിൽ സിറിയൻ ക്രിസ്ത്യാനികളാണു്. ചില പരിതസ്ഥിതികൾ നിമിത്തം അവർ ലത്തിൻ ക്രിസ്ത്യാനികളായിപ്പോയേന്നേയുള്ളു. ഞാൻ അടുത്ത അവസരത്തിൽ കമ്പളങ്ങിയിൽ പോയപ്പോൾ കുന്ദംകുളത്തുള്ള പലെ സിറിയൻ കുഡുംബങ്ങളുടെ വീട്ടുപേർ അവിടെയുള്ളതായി കാണുകയുണ്ടായി. കുന്ദംകുളത്തുനിന്നു എന്തൊ യുദ്ധപരിതസ്ഥിതികളിൽ അഭയാർത്ഥികളായി അധികം കമ്പളങ്ങിയിൽ താമസമുറപ്പിക്കുകയുണ്ടായിട്ടുണ്ടെന്നാണു് അതിൽനിന്നു മനസ്സിലാക്കേണ്ടതു്. അതുകൊണ്ടു സുറിയാനിക്കാർക്കുബോധിക്കുന്ന നിയമങ്ങൾ ലത്തിൻ ക്രിസ്ത്യാനികളിൽ വലിയൊരു സമൂഹത്തിനു ബാധിക്കേണ്ടതായിവരും.

ബ്രിട്ടീഷിൻഡ്യയിൽ സിറിയൻ ക്രിസ്ത്യാനികൾ വളരെ കുറവാണു്. അധും ഭൂമി ഉടസ്ഥതയുള്ളവർ വളരെ കുറവാണു്. ഇൻഡ്യൻ സക്സഷൻ ആക്ടു് അവിടെയുള്ള പാർസികളേയും ബാധിക്കുന്നുണ്ടെന്നാണു്. ഇവിടെ ക്രിസ്തുമതതത്വത്തിനു വിപരീതമല്ലാത്ത വിധത്തിൽ പ്രവൃത്തിക്കേണ്ട നിയമങ്ങൾ മതാദ്ധ്യക്ഷന്മാർ കണ്ടുപിടിച്ചുവച്ചിട്ടുണ്ടു്. ആ നിലക്കു വേറെ രാജ്യങ്ങളിൽ നടപ്പിലുള്ള ഒരു നിയമം അവരുടെ തലയിൽ വെക്കേണ്ട ആവശ്യമില്ല. സ്ത്രീകൾക്കു പുരുഷന്മാരെ അപേക്ഷിച്ചു സമുദായത്തിൽ ഒരു പതിതപം ഉണ്ടാകുവാൻ പാടില്ല. അവർ രണ്ടുപേരും തുല്യനിലയിൽ വരുന്നതിനു എന്റെ ബില്ലിൽ പറഞ്ഞിരിക്കുന്ന വ്യവസ്ഥകൾ ഈ സഭ സ്വീകരിച്ചാൽ മതി. അല്ലാതെ സമുദായത്തിനു പൊതുവെ അഭിപ്രായ വ്യത്യാസമുള്ള ഈ ഒരു നിയമം പാസാക്കേണ്ട ആവശ്യമില്ല.

പരേതനായ മിസ്റ്റർ എം. എ. ചാക്കൊ ഭാര്യയുടെപേക്കു സ്വത്തു മുഴുവൻ എഴുതിവെച്ചു എന്നു ഇവിടെ പറയുകയുണ്ടായി. ഒരു മകളൊഴിച്ചു ബാക്കി എല്ലാവർക്കും അദ്ദേഹം സ്ത്രീധനം കൊടുത്തിട്ടുണ്ടു്. ഇതിൽ അനുകൂലികളെ ബാക്കിയുള്ളു. അദ്ദേഹത്തിന്റെ ഒരു മകൻ ഇംഗ്ലണ്ടിലാണു്, മരാം ആസാമിലാണു്. ഇങ്ങിനെയുള്ള പല പരിതസ്ഥിതികളും സാഹചര്യങ്ങളും അനുസരിച്ചു അദ്ദേഹം അങ്ങിനെ ചെയ്തുവെന്നേയുള്ളു. അതുകൊണ്ടു മക്കൾക്കു ഒരു ദോഷവും വരുവാനില്ല. ഇതുനിമിത്തം അദ്ദേഹത്തിനു സ്വത്താവകാശം സംബന്ധിച്ചു അഭിപ്രായവ്യത്യാസം വന്നതായി വിചാരിച്ചുകൂടാ

അതുകൊണ്ടു മിസ്റ്റർ മൂത്തേടൻ ഈ ബിൽ ഇപ്പോൾ പിൻവലിക്കുകയും എന്റെ ബിൽ വരുമ്പോൾ അതിനെ അനുകൂലിച്ചു് ഇവിടെ പാസാക്കുകയും ചെയ്യണമെന്നു ഞാൻ അപേക്ഷിക്കുന്നു.

മിസ്റ്റർ ബി. എം. പീറർ: സർ, ഈ ബിൽ ഈ കൌൺസിലിൽ ഇതിനു മുമ്പു് രണ്ടുമൂന്നു പ്രാവശ്യം വരികയും ആ അവസരങ്ങളിലെല്ലാം ഇങ്ങിനെ എതുത്തുകുട്ടത്തിൽ ഞാനും എതിർക്കുകയും ചെയ്തിട്ടുണ്ടു്. എന്നാൽ അതിനുശേഷം ബിൽ സംബന്ധമായി സമുദായത്തിന്റെ അഭിപ്രായം എന്താണെന്നറിയുവാൻവേണ്ടി ശരിയായതരത്തിൽ ഒരു പ്രചരണം നടത്തുകയും, സമുദായത്തിന്റെ ശരിയായിട്ടുള്ള അഭിപ്രായം സ്വീകരിക്കുകയും ചെയ്തുകഴിഞ്ഞിട്ടുണ്ടു്. ആ അഭിപ്രായങ്ങളും നോക്കുന്നതായാൽ ഇതിനെ അനുകൂലിച്ചവരുടെ സംഖ്യ ഒൻ മാത്രമാണു്.

Mr. A. V. Moothedan *(Chalakkudi)*: He has undoubtedly so many institutions. The Y. W C. A. consists of 300 or 400 persons.

മിസ്റ്റർ ബി. എം. പീറർ: എന്നാൽ ഇതിനോടു പ്രതിഷേധം കാണിച്ചിരിക്കുന്ന സഭയുടെ ശക്തനോക്കിയാൽ പതിനാലിൽ മേൽകാണും. അവരുടെ എണ്ണവും കൂടി കാണിച്ചിട്ടുണ്ടു്. അതു ഏകദേശം മൊത്തമായിട്ടു കണക്കാക്കുന്നതായാൽ നാനൂറിനു മേൽ ആളുകളുടെ പ്രതിഷേധാഭിപ്രായം രേഖാമൂലമായിട്ടു് ഈ സഭ അറിയുന്നതിനുവേണ്ടി സഭ മു

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മുമ്പാകെ വിതരണം ചെയ്യുകഴിഞ്ഞിട്ടുണ്ട്. അപ്പോൾ ഈ കാര്യത്തിൽ സമുദായത്തിന്റെ അഭിപ്രായം എന്താണെന്നുള്ളതു് ബാക്കി സമുദായങ്ങളിൽപ്പെട്ട ബഹുമാനപ്പെട്ട, മെമ്പർമാർക്കു് അറിയുവാൻ സാധിക്കും. എന്നാൽ ഈ തരത്തിലുള്ള ഒരു നിയമം ഒരു സമുദായത്തിന്റെമേൽ നിങ്ങൾ കൊണ്ടുവരുമ്പോൾ ആ സമുദായാംഗങ്ങളിൽപെട്ടവരുടെ അതല്ലെങ്കിൽ പ്രമുഖന്മാരായവരുടെ അഭിപ്രായത്തിനു യോജിച്ചിട്ടുള്ള ഒരു അഭിപ്രായം നിങ്ങളും എടുക്കണമെന്നുള്ളതാണു് എന്റെ ഏറ്റവും വിനീതമായിട്ടുള്ള ഒരു അപേക്ഷ. മിസ്റ്റർ പൈലി പറയുകയുണ്ടായി ഈ അഭിപ്രായം പറഞ്ഞവർക്കു് ഒപ്പിടുവാൻപോലും അറിവില്ലായെന്നു്.

മിസ്റ്റർ എൽ. എം. പൈലി : അങ്ങിനെ ഞാൻ പറഞ്ഞിട്ടില്ല. "ചിലർക്കു്" എന്നു മാത്രമെ പറഞ്ഞിട്ടുള്ളൂ.

മിസ്റ്റർ ബി. എം. പീറ്റർ : ആ അഭിപ്രായം പറഞ്ഞവരുടെ ശരിയായ തരത്തിലുള്ള പൂർണ്ണാഭിപ്രായം പറയത്തക്ക മനസ്ഥിതി ഒരിക്കലും കണക്കാക്കേണ്ടതില്ലെന്നുള്ളതിനാണു് അവരുടെ ഓരോരുത്തരുടേയും പേരുകളെടുത്തുനോക്കിയാൽ അറിയാവുന്നതാണു്. അങ്ങിനെയുള്ളവരുടെ അഭിപ്രായങ്ങൾ രേഖപ്പെടുത്തീട്ടുള്ളതു് വായിച്ചു ഈ സഭയുടെ സമയത്തെ വൃഥാ ചിലവാക്കണമെന്നു് ഞാൻ വിചാരിക്കുന്നില്ല. പിന്നെ ഇതിന്റെ അവതാരകൻ പറയുകയുണ്ടായി ബ്രിട്ടീഷിൻഡ്യയിലുള്ള നിയമവും അതുപോലെതന്നെ യൂറോപ്പിലുള്ള പലരാജ്യങ്ങളിലുമുള്ളനിയമവും സമാവകാശസ്വത്തിനു് അനുവദിച്ചിട്ടുണ്ടെന്നാണു്. എന്നാൽ അവിടത്തെ പരിതസ്ഥിതിയും, ഇവിടത്തെ പരിതസ്ഥിതിയും തമ്മിൽ നോക്കിയാൽ വളരെ വ്യത്യാസമുണ്ടു്. പോർച്ചുഗലിൽ സ്വത്തിന്റെ അവകാശം കൊടുക്കണമെന്നു പറയുന്നുണ്ടു്. പക്ഷെ ഒരു മകളൊ, മകനൊ വിവാഹത്തിലേപ്പെട്ടുകഴിഞ്ഞാൽ അവരുടെ തറവാട്ടിൽനിന്നും മാറി വേറെ ഒരു കുടുംബമായിട്ടാണു് കഴിഞ്ഞു പോരുന്നതു്. അതല്ലാതെ ഇവിടത്തെപ്പോലെ മറ്റൊരുതറവാട്ടിലേക്കു് കൊണ്ടുപോകുകയല്ല ചെയ്യുന്നതു്. അങ്ങിനെയുള്ള ഒരു സ്വാതന്ത്ര്യം അവിടെയുള്ള സ്ത്രീകൾക്കു് ഉള്ളതുകൊണ്ടു് സ്വത്തിന്റെ സമാവകാശം അവർക്കു കിട്ടുന്നുണ്ടു്. പക്ഷെ, അതുപോലെയുള്ള യാതൊരു സ്വാതന്ത്ര്യവും ഇവിടെയില്ലാത്തനിലക്കു് അതു ഇപ്പോൾ ഇവിടെ അനുവദിക്കുന്നതു് ഒരിക്കലും ഗുണകരമായിരിക്കുമെന്നുള്ള അഭിപ്രായം എനിക്കില്ല. എല്ലാറ്റിന്നുംപുറമെ ക്രിസ്ത്യൻ സക്സഷൻ ആക്ടു് ഇവിടെ വന്നുകഴിഞ്ഞിട്ടു ഉദ്ദേശം ൨൦ കൊല്ലം മാത്രമേ ആയിട്ടുള്ളൂ. മറവുസമുദായങ്ങളെ അപേക്ഷിച്ചു് ക്രിസ്ത്യൻ സമുദായത്തിലെ സ്ത്രീകൾക്കു് അവർ അഭിക്കുന്നതിൽ ഒട്ടും കുറവല്ലാത്തവിധത്തിലുള്ള ഒരു തുക സ്ത്രീധനമായി കൊടുത്തുവരുന്നുണ്ടു്. ബാക്കി ചില സമുദായങ്ങളിൽ പറയത്തക്കവിധത്തിൽ ഇതുപോലെ സ്ത്രീധനം കൊടുക്കുന്നുണ്ടെന്നു് എനിക്കു തോന്നുന്നില്ല. ഹിന്ദുമതാക്ഷര നിയമപ്രകാരം ആ സമുദായത്തിലെ സ്ത്രീകൾക്കു് ഇന്നും യാതൊരു അവകാശവും കൊടുത്തുകാണുന്നില്ല. എന്നാൽ മറ്റൊരുതരത്തിൽ നോക്കുന്നതായാൽ അങ്ങിനെയുള്ള ചില സമുദായങ്ങളിൽ സ്വത്തിൽ മൂന്നിൽ ഒരു ഭാഗം സ്ത്രീകൾക്കു് കൊടുക്കുന്നതിനു നിർണ്ണയംചെയ്യുകഴിഞ്ഞിട്ടുണ്ടു്. അവരേക്കാൾ അഡ്വാൻസു് സ്റ്റേജിൽ ഇരിക്കുന്ന ബ്രാഹ്മണസമുദായംപോലും സ്ത്രീകൾക്കു യാതൊരു അവകാശവും കൊടുക്കാത്ത നിലക്കു്, ആ സമുദായം കൊടുക്കണമെന്നു നിശ്ചയിച്ചതിനുശേഷം ക്രിസ്ത്യൻ സമുദായം ഇതുപോലെ ഒരു നിയമം കൊണ്ടുവന്നാൽ മതിയായിരുന്നുവെന്നാണു് എന്റെ ഏറ്റവും വിനീതമായ അപേക്ഷ. പിന്നൊ അവതാരകൻ പറയുകയുണ്ടായി ഭാരതത്തിലുള്ള വനിതകളിൽവെച്ചു് സരോജനിനായിഡു മുതലായിട്ടുള്ള മഹതികൾ ഏറ്റവും ഉയർന്ന സ്ഥാനത്തു എത്തിയതുപോലെ ക്രിസ്ത്യൻ സമുദായത്തിലെ വനിതകൾക്കു് എത്തുവാൻ ഭാഗ്യം ഉണ്ടായിട്ടില്ലായെന്നു്. എന്നാൽ അതിൽ ഒട്ടും കുറവല്ലാത്തതരത്തിൽ ജനസംഖ്യയനുസരിച്ചു ഒരു ഉയർന്ന സ്ഥാനത്തു ക്രിസ്ത്യൻ വനിതകൾക്കു് എത്തുവാൻ സാധിച്ചിട്ടുണ്ടെന്നുള്ളതു് ഇന്നത്തെ ചരിത്രംതന്നെ നോക്കിയാൽ മനസ്സിലാക്കുവാൻ സാധിക്കുന്നതാണെന്നാണു് ഞാൻ പറയുന്നതു്. ഇതിന്നുംപുറമെ നമ്മുടെ അയൽരാജ്യമായ തിരുവിതാംകൂറിലെ സ്ഥിതി ഒന്നു നോക്കുക. അവിടെ സ്ത്രീകൾക്കു് അയ്യായിരം ഉറുപ്പികയിൽ കൂടുതൽ സ്ത്രീധനം കൊടുക്കുവാൻപാടില്ലെന്നു നിശ്ചയിച്ചിട്ടുണ്ടു്.

മിസ്റ്റർ എ. വി, മുത്തേടൻ: സ്ത്രീധനമല്ല, സ്വത്തിലുള്ള അവകാശം അയ്യായിരം ഉറുപ്പികയെന്നാണു്.

മിസ്റ്റർ ബി. എം. പീറ്റർ: ഇവിടെ അങ്ങിനെയുള്ള യാതൊരു ക്ലിപ്പവും ചെയ്തിട്ടില്ല. അങ്ങിനെയുള്ള യാതൊരു ക്ലിപ്പവും ചെയ്യാത്തതുകൊണ്ടു് ഇവിടെയുള്ള സ്ത്രീകളും യാ

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തൊരുവിധത്തിലും ഉന്നതി പ്രാപിച്ചിട്ടില്ലേയെന്നാണു് ഞാൻ ബഹുമാനപ്പെട്ട ഗവമ്മെണ്ടിനോടു ചോദിക്കുന്നതു്. പിന്നൊ മിസ്റ്റർ പൈലി പറയുകയുണ്ടായി ഇങ്ങിനെയുള്ള തറവാട്ടു സ്വത്തു് ആൺമക്കൾക്കു മാത്രം അനുവദിച്ചുകൊടുത്തതുകൊണ്ടു് തങ്ങളുടെ സമുദായത്തിൽപെട്ട പലേ കുടുംബങ്ങളും നശിച്ചുപോയിട്ടുണ്ടു് എന്നു്.

മിസ്റ്റർ എൽ. എം. പൈലി: ഭാഗിച്ചുകൊടുത്തിട്ട നശിച്ചുപോയി എന്നല്ല ഞാൻ പറഞ്ഞതു്. ഭാഗിച്ചുകൊടുക്കാത്തതുകൊണ്ടു് നശിച്ചുപോയിട്ടുണ്ടെന്നാണു്.

മിസ്റ്റർ ബി. എം. പീറർ: എന്നാൽ സ്ത്രീധനം മാത്രം കൊടുത്തിട്ടുള്ളതുകൊണ്ടു് എത്ര ക്രിസ്തീയ കുടുംബങ്ങൾ നശിച്ചുപോയിട്ടുണ്ടെന്നുള്ള ഒരു കണക്കു് ബഹുമാനപ്പെട്ട മെമ്പർക്കു് എടുക്കുവാൻ സാധിച്ചിട്ടുണ്ടോ? തറവാടുകൾ പ്രധാനമായിട്ടു നശിക്കുന്നതിനുള്ള കാരണം സ്ത്രീധനം സ്ത്രീകൾക്കു കൊടുക്കുന്നതുകൊണ്ടാണു്.

മിസ്റ്റർ എൽ. എം. പൈലി: അതുമാത്രമല്ല, വേറെ പല കാരണങ്ങളുമുണ്ടാകും.

മിസ്റ്റർ ബി. എം. പീറർ: തന്റെ മകളെ ഒരു ഉയർന്ന നിലയിൽ വിവാഹം കഴിച്ചുകൊടുക്കണമെന്നുള്ള മാതാപിതാക്കന്മാരുടെ ആഗ്രഹത്താൽ ഒരു വലിയ സംഖ്യ കടം വാങ്ങിച്ചിട്ടെങ്കിലും ചെയ്യുവെന്നവരും.

മിസ്റ്റർ എൽ. എം. പൈലി: വലിയ സ്ത്രീധനം ഒന്നും കൊടുക്കാതെ മറവുതത്തിൽ സ്വത്തു വ്യയംചെയ്തു് എത്ര കുടുംബങ്ങൾ നശിച്ചുപോയിട്ടുണ്ടെന്നു് ബഹുമാനപ്പെട്ട മെമ്പർക്കു് അറിയാമോ? അപ്പോൾ അങ്ങിനെയുള്ള കാര്യത്തിൽ പലതുകൊണ്ടും സാധിക്കുമെന്നാണു് ഞാൻ പറയുന്നതു്.

മിസ്റ്റർ ബി. എം. പീറർ: ഈ കാര്യം പറഞ്ഞതുകൊണ്ടു് ഞാൻ അങ്ങിനെ പറഞ്ഞതാണു്. എനിക്കു് ഇനി ഈ സഭ മുമ്പാകെ ഒന്നുംതന്നെ പറയുവാനില്ല. മറവു സമുദായത്തിൽപെട്ട മാന്യ സഹോദരന്മാർ ഞങ്ങളുടെ സമുദായത്തിൽപെട്ടവരുടെ ശരിയായ അഭിപ്രായം നോക്കിയും ഈ സമുദായത്തെ പ്രതിനിധീകരിക്കുന്നവർ ഈ നിയമത്തിനെതിരായി വോട്ടു കൊടുക്കണമെന്നുള്ള അപേക്ഷയോടുകൂടിയും ഞാൻ എന്റെ ഈ പ്രസംഗത്തെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

മിസ്റ്റർ കെ. ജെ. തോമസ്: ഈ ബില്ലിനെ ഞാൻ ശക്തിയായി പ്രതിഷേധിക്കുന്നു. ഈ ബില്ലിന്റെ അവതാരകൻതന്നെ പറയുകയുണ്ടായി, അദ്ദേഹത്തിന്റെ ഒരു മാന്യ സ്നേഹിതൻ എവിടേക്കോ യാത്രപോകുന്ന അവസരത്തിൽ അദ്ദേഹത്തിന്റെ കയ്യിൽ ഒരു സീൽഡ് കവർ കൊണ്ടുവന്നു കൊടുത്തു എന്നു്. അതു് ആരെങ്കിലുമാകട്ടെ. തന്റെ ബില്ലിനെ സംബന്ധിച്ചു് അഭിപ്രായമാണു് അതു് എന്നു അദ്ദേഹം പറഞ്ഞു. എന്നാൽ നാല്പതുവയസ്സിൽ, അതേ അയാളുടെ യൗവ്വനദശയിൽ അങ്ങിനെ സീൽഡ് കവറിൽ ആക്കിക്കൊടുക്കുവാൻ പ്രേരകമായ കാരണം എന്താണു്? മൂന്നിലൊന്നെങ്കിലും അദ്ദേഹത്തിന്റെ മക്കൾക്കു കൊടുക്കേണ്ടിവരുമെല്ലൊ എന്നുള്ള ശങ്കകൊണ്ടായിരിക്കാം അങ്ങിനെ എഴുതിച്ചിട്ടുള്ളതെന്നു വിചാരിക്കേണ്ടിയിരിക്കുന്നു. കസ്റ്റമനുസരിച്ചു നോക്കിയാലും മൂന്നിലൊരു ഓഹരി കൊടുക്കുവാൻ ഒരാളും ഇഷ്ടപ്പെടുന്നതായി കാണുന്നില്ല. ഇതേവരെ എഴുതിയിട്ടുള്ള ബില്ലുകളും അതിനു സാക്ഷ്യംവഹിക്കുന്നുണ്ടു്. അങ്ങിനെ ഇഷ്ടപ്പെടുന്നവരിൽ ഒരാളെങ്കിലും ഉണ്ടെന്നു ബഹുമാനപ്പെട്ട അവതാരകനു് ഉദാഹരണമായി പറയുവാൻ സാധിക്കുമൊ? ആ സ്ഥിതിക്കു് മൂന്നിലൊരു ഓഹരി കൊടുക്കേണ്ടിവരികയാണെങ്കിൽ ആ കുടുംബത്തിന്റെ പ്രസ്റ്റീജു് നശിക്കാനാണു് ഇടയുള്ളതു്. ആ ശങ്കകൊണ്ടാണു് ഒരു കുടുംബത്തിലെ കാരണവൻ അതു് കൊടുക്കുവാൻ ഇഷ്ടപ്പെടാത്തതു്. ക്രൂടാതെ വേറെ ഒരു കാരണംകൂടി പറയുവാനുണ്ടു്. ഈ ബില്ലിൽ ഉദ്ദേശ്യശുദ്ധി വളരെ കുറവാണു്. ഈ ബില്ലു് പാസ്സായാൽ വളരെ ദോഷങ്ങൾ ഉണ്ടു്. ദോഷമില്ലെന്നു മിസ്റ്റർ മൂത്തേടൻ പറയുന്നുണ്ടെങ്കിലും പാസ്സാക്കിയാലും കാര്യമില്ലെന്നാണു് ഞാൻ പറയുന്നതു്. ഈ ബില്ലു് പാസ്സായാൽതന്നെ സ്ത്രീധനം കൊടുത്തുകഴിഞ്ഞാലും ബിൽ എഴുതിക്കഴിഞ്ഞാലും സ്ത്രീകളുടെ അവകാശം നഷ്ടപ്പെട്ടു. അതുകൊണ്ടു് ഞാൻ ഈ ബില്ലിനെ വളരെ ശക്തിയായി എതിർക്കുന്നു.

Mr. A. T. Kunhipalu *(Kattur)*: I am constrained to oppose this Bill not on antiquated notions or selfish interests. Two very strong points I have to place before this Hon'ble House. If the Bill comes into law a very strange accident may be a chance. Suppose a father in his time gives away a daughter in marriage with a dowry and dies intestate leaving sons and daughters. It is well known that dowry would have been paid on the basis of the practice in the community, such dowry which seldom exceeds ⅓ of the share of a son. Now the survivors will be getting

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sometimes equal shares among themselves, much to the prejudice of the daughter already married away. The father has the power to decide and the power to leave the will. If equal shares are to be given he will do so. The mother—widowed mother—is still the encumbrance of the son, and not the daughter married away except morally. There may be daughters who are yet to be married. Who will take the responsibility? I will give you an equal share—get married or hang. This attitude of the brother will be the end of the Christian community. So, I humbly request the House to oppose this Bill.

*Mr. P. P. Devassy *(Trichur-South)*: Mr. President, Sir, The arguments that have been advanced by the supporters of this Bill seem to be rather of a negative than a positive character. That no calamity is going to happen is no reason why this House should be a party to the passing of this Bill. Things which do not cause calamities are not on that ground to be legislated on the floor of this House. The advantages or the benefits of passing this Bill must have been brought home to the members of this House in urging them to accept this Bill. That there are no women among the Christians in Cochin, with an all-Kerala reputation is absolutely no ground for the passing of this Bill. In the Nayar community according to the laws obtaining there the women get an equal, if not, a larger share than the male members. I do not think that Mr. Moothedan, the Hon'ble Member for Chalakkudi has pointed out the name of any Nayar lady with an all-Kerala reputation on behalf or in support of his argument.

Mr. A. V. Moothedan *(Chalakkudi)*: Mrs. Ammalu Amma.

Mr. P. P. Devassy *(Trichur-South)*: With an equal share or a larger share for women in that community if that could bring about only one woman of an all-Kerala reputation till now, that will not be sufficiently strong reason to urge in support of this Bill. When Mr. Moothedan visited Trichur, the fact that no black-flag was shown to him also may not be a reason in support of this Bill. The Hon'ble Member for Chalakkudi mentioned the names of certain respectable gentlemen from Trichur whom he had occasion to meet when he visited Trichur, among whom the name of Chalisseri Maney is stated. Mr. Maney, I may say for the information of this House, has got only one daughter and no son and he does not stand to lose or gain by the passing of this Bill, and the citation of his individual opinion in this matter cannot add any weight to this matter. Apart from the opinion of individuals, eminent and non-eminent, there must be very strong reasons for making an innovation and an innovation of a drastic character such as this Bill intends to make. The Hon'ble Member Mr. Pylee was arguing that this is a progressive measure of legislation and anybody who raises his voice against this legislation will be a man of anti-diluvian ideas and a man opposed to all progress in the Christian community.

Mr. L. M. Pylee *(Latin-Christians Ernakulam)*: I don't say he will be, but I said he is.

Mr. P. P. Devassy *(Trichur-South)*: Mr. Devassy the Hon'ble Member for Adur has already touched upon that. I only wish to add by saying that all changes for progress should not be understood to be equivalent to justice. All changes need not necessarily be progressive. Change for the better may be progressive, but not changes for the worse. The question remains whether this change is for the better or for the worse. It does not mean that anybody who opposes this legislation will be opposed to progress. Now, I would add by saying that the other argument raised by the Hon'ble Member Mr. Pylee that is only equality, equity and justice that this Bill demands, also will not stand the test. I mean all cases of inequalities are not cases of equity or cases of justice. Equality is not tantamount, it is not equivalent, it is not co-extensive with justice. Equality is only equity and there may be cases of equality which means at the same time of equity and justice. For example, in a Christian family, the grown up sons work hard with the father, the grown-up sons augment the property and the acquisitions of the family; and at a particular stage in the family the father dies intestate it may very often happen that the property towards the augmentation of which the grown-up sons are mainly responsible will have to be divided half and half with those daughters who were at the proper time given education and who were at the proper time given in marriage. In the Christian community as it stands here, the duaghter would have no occasion at all to add. It is not equity or justice to demand a half-share of the property towards the existence of which the daughter has not in any the slightest measure contributed without any effort on their part. It may be argued on the other side that there is always the option for the father to will away a portion of that property sufficient to constitute that part which has been contributed by the grown-up sons. Why depend upon that occasion? Why depend upon willing away? Take the case of a father who dies intestate. Will it not work hardship against those of the males who have worked day and night for enhancing the income of the property of the family. I say, when there is equality

*Speech not corrected by the Hon'ble Member.

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in a case like this, there is the injustice, there is the inequity. And in a matter like this it will always be better for this House to respect the opinion of those members of that community to whom this Bill will have its repercussions. I therefore feel that the majority of the opinion of the Christian members of this house being against the passage of this Bill, the Hon'ble members of this House will respect their opinion and will help them in seeing that this Bill is not carried into law.

*Mr. V. K. Bhaskara Menon *(Cranganur):* Since almost all the Christian members have finished their fight between themselves, I think there is a duty on the part of the members of other communities to contribute to the discussion, to throw light on the Bill from the stand point of the views of other communities. Now, Sir, what exactly does the Hon'ble Member for Chalakkudi mean by this Bill ? He wants to assure that the girls of a family get equal rights as well as the boys in the property of the father. In cases where the father dies without leaving a will, what is there so appalling. As it is, girls are given the same opportunities as boys in the matter of appointment, in the matter of all opportunities in almost all the activities of life, ladies are given equal opportunities as much as men. If that is so, I cannot understand why there should be this sort of remarkable distinction made in the matter of property which is practically a fundamental thing for the upkeep of society. The various arguments advanced by two of the most eloquent Christian members for Adur and for Trichur South have to be referred to in this connection. The Hon'ble Member for Adur was advancing a rather stale argument of the deep sentiment of the community being violently flouted, if such a Bill is passed against the will of the community. If I remember right, this very same House passed the Child Marriage Restraint Bill against the sentiments and against the wishes of a certain community which are violently affected by the Bill; and the Hon'ble Member spoke strongly in support of it.

Mr. M. K. Devassy *(Adur):* I remained neutral, and I may explain the situation, that Bill was voted in this House on the clear distinction made between Bills which involve principles of hygiene to other bills. Even in speech made by the Hon'ble President drawing the distinction between communal bills which concern only with division of property, other communities have nothing to do with it. The Child Marriage Restraint Bill is based on principles of hygiene. On such matters the House has a duty to express its views and it was at that time that members of other communities voted for the Bill. That principle was enunciated in this House and the Members of other communities voted. Even then I remained neutral.

Mr. V. K. Bhaskara Menon *(Cranganur):* I am very thankful for the explanation. He has been saying that the Child Marriage Restraint Bill was moved in this House and supported by many of the members, because the aim of the Bill was to remove some of the inhuman customs previling in certain communities and also on hygienic principles. If it is human to say that the children of the same father should divide the property unequally, that one child because he happened to be a boy, should get much more than a girl, if that is called humanity and humanness, I thought humanity may not treat all practically equal. If that is so, Sir, there is absolutely no point whatever in making this sort of distinction between a girl and a boy born of the same father. So that on a matter of sentiment there is no meaning in saying that because this Bill flouts the sentiment of the Christian community, it is unfair that this House should vote for the Bill. Such an argument cannot hold water for a moment. The Hon'ble Member for Trichur South has been saying that equality may not always be justice. That is another argument, the psychology underlying the opposition to the Bill.

Well, Sir I am not a student of psychology. But to this extent I can very well understand the equality may not always be justice. We are not upon the question of justice at all. What is the justice of the son getting a greater share than the daughter? It has been asserted vociferously and very emphatically here that the son is contributing to the earnings of the family, the son is really the author of all that the father possesses. Apart from these emphatic assertion without giving any more facts or suggestions to establish that it is absolutely impossible for members of other communities to come to the conclusion that the son is given a greater share because of the fact that he has contributed more to the family income. According to me, Sir,— I am prepared to concede that that might have been the case some time back—with the increase in the number of educated girls in Christian familes and they are getting opportunities of employment and getting money and the late age at which they marry, I am of opinion that now-a-days Christian girls are contributing as much to the family income as the boys. In the good old days the opportunities for girls to earn for themselves were practically limited, because if the father is

*Speech not corrected by the hon'ble member.

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carrying on business, it is very difficult for girls to do business and earn. Now there are other opportunities by which they get money. For exemple they get jobs in Government service or in commercial concerns. If there are such opportunities and if there are ample facilities for the girls to make money and contribute to the family income, I do not think it can be disputed by any member that there are Christian girls who are now earning for themselves. So, it cannot be disputed that they would be contributing to the family exchequer until they marry. So that there is no meaning in advancing arguments against the Bill, now when conditions in the society have considerably changed. It was absolutely sound some 15 or 20 years back.

One more point which I would like to mention. I will advance this as an argument. It has been asserted by the Hon'ble Member for Trichur South that there are no opportunities for the girls to add to the family income. And then finally it has been argued by the Hon'ble Member for Trichur South that there must be a drastic reason for any innovation. The drastic reason according to my humble view is that the inequality under which the girls of the Christian family are labouring is sufficiently atrocious to induce all sensible and reasonable people to support the Bill so that they may be given the same status as the boys of the family. So, I wholeheartedly support this Bill and entreat all the members of this House belonging to other communities to support the Bill and see that the girls of the Christian family are given a fair and square deal.

*Mr. A. L. Antony *(Irinjalakkuda)*: I oppose the Bill. I have stated my reasons previously when the Bill was introduced for the first time. One famous lady member who has some experience is Mrs. C. C. Mathew. She said that such an amendment as introduced at present is of no use at all and unnecessary. And she said so when we took evidence. Even if 1/3 is given that right is not at all equal, because the father wills away and also when the daughter is married and any streedhanam is given. So, first of all, there should be a legislation to the effect that if at all there is a law, that law should be given effect to by taking away the right of the father to will away. The right of willing away should be taken away. Mr. Bhaskara Menon says that even with this 1/3 there is no progress. I say that there should be a general legislation even affecting the Muhammedans, even affecting the Jews, etc. What I mean to say is that all those members who are upon the general principle of the raising of womanhood should think that we shall not be the pioneers. This is purely a communal question. It is not like the Child Marriage Restraint Bill which is based on hygienic principle and nothing else. That is not at all a communal question. So, I do not mean to add anything. I submit that this Bill need not be voted by all the members here. So, I say that this may be dropped. Better that Mr. Moothedan withdraws the Bill.

Mr. M. Sivarama Menon *(Advocate-General)*: Government are adopting the same attitude that they took on the previous occasion, by not taking part in the discussion.

Mr. A. V. Moothedan *(Chalakkudi)*: I have not much to speak on the subject. I wish to say one or two words. Now the theory of calamity to the community is exploded. The Hon'ble Members for Adoor and Trichur South have admitted that there will be no calamity. That is conceded. Now the question is sentiment. It is purely a question of sentiment. Under these circumstances, what is the House to do? A father has got both son and daughter. Are they not entitled to share equally. Here sentiment won't do. There should be reason. The Hon'ble Member for Kattur was saying that unmarried daughters will be receiving much more than married daughters. But that inequality exists even now. Then the Hon'ble Member for Adoor said, if this Bill is passed instead of getting shares, girls won't get even husbands. What a fantastic suggestion it is! In British India are there girls unmarried? I have got so many friends in British Cochin. They are all married and living very happily. And then the Hon'ble Member for Kunnamkulam agrees with me that the law should be changed and the daughter should be given a greater share. The method he suggests is different. The proper procedure would have been for him to table an amendment to this Bill. Therefore Mr. Iyyu ought to support and I hope he will support my Bill. The principle is accepted by Mr. Iyyu. Mrs. C. C. Mathew is not entirely opposed to this Bill. From her evidence it is seen that she is not satisfied with the present affairs that is all. The Hon'ble Member for Irinjalakuda was saying about the Neri (നെരി) and Mekkamothiram (മേക്കാമോതിരം) in olden days. If my friend visits the Irwin Park at Ernakulam or the Churches, he will find all young women in full Sari. This Mekkamothiram has gone. I do not know where my friend is living. Even in my own village, we find full-sari people. You can wear British Indian Women's Dress, you can

* Speech not corrected by the hon'ble member.

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follow their custom, but this law cannot be applied; I think there is no reason in what they say. Since the House understands on the assurance of the two Devassies that there would be no calamity if we pass this Bill, why not members of other communities exercise their judgment in favour of natural justice and equity?

In this connection much has been said about Travancore affairs I may inform the House that there is already a letter from Mr. Kuruvilla who is a member of the Legislative Council there. He has introduced a Bill and it has been referred to a Select Committee. Some correspondence passed between us. He says—"Thank you for your letter and amendment enclosed. I glanced through the newspaper reports at the time to make myself sure. I shall be thankful if you will send me an official copy of the Proceedings. There is rather a strong opposition to my Bill, among certain sections of the public, but I do hope our Bills would pass through the Houses without difficulty".

In the objects and reasons it is stated as follows.—

"Indian Christian Intestate Succession Act was passed in 1092 about 23 years ago. Even at that time, there were strong differences of opinion as to the rights of women recognised in this Act especially in the case of the daughter, the widow and the mother. Now conditions have changed in the course of years and enlightened public opinion feels that change in the Law should be made so that women may claim equal rights with men. It is to carry this idea in effect that the amendments are suggested."

At the time when the Bill was under discussion, Mr. K. G. Parameswaran Pillai wrote as follows.—

"With all respect for the sentiment of the community which revolts against the idea of placing the daughters on a level of equality with the sons, I must confess I am unable to understand the justice or equity of treating the daughters as if they were merely dependants or servants of the family."

That is the opinion of Mr. K. G. Parameswaran Pillai. This is contained in the Objects and Reasons of the Bill of Mr. Kurivila. Therefore, if we pass this Bill, Travancore will also pass a Bill, because in the matter of the Child Marriage Restraint Act, they did so. I would request the House to consider the matter in an impartial spirit and exercise their judgment in the best manner so that natural justice may be done.

Motion put and lost, 8 for and 13 against

(2) THE COCHIN TENANCY ACT (AMENDMENT) BILL

Mr. M. Sivarama Menon *(Advocate-General):* Government have not been able to take definite decisions on the report of the Select Committee on the Tenancy Act (Amendment) Bill. The repercussions of the Cochin Verumpattamdars' Act on the peasantry at large have to be watched for some time before the present Bill affecting Kanam tenants is shaped. The landlords are agitating for a standardisation of the rate of interest in respect of Kanam transactions in view of the Cochin Agriculturists' Relief Act and the Usurious Loans Act. It is found that in certain kanam documents rates of interest vary even from 20 to 40 per cent. The Jenmi Member of the Select Committee pressed for a standardisation of the rate of interest but the Committee did not lend ear to it as it was thought that a disturbance of the rate of interest will upset the whole structure of kanam demises. Further, the pattam payable by Verumpattam tenants has been fixed in perpetuity. The Select Committee on the Tenancy Act (Amendment) Bill had no occasion to consider this aspect in relation to the Michavaram payable by the kanam tenants. There has also been a recent decision of the High Court, the effect of which will be that a kanam tenant may have to pay two rounds of renewal fee in a short space of time in cases where the last cycle of 12 years has ended within 12 years of the date on which the Act of 1113 came into force. I have not scrutinised that decision in detail. It is time therefore that instead of attempting a piece-meal legislation, all these questions are considered together and proper recommendations made. Government have therefore formed the opinion that it is better to review the whole position and bring in a Bill of their own rather than accept or oppose the present report which deals only with the question of renewal fee. A comprehensive legislation has therefore become necessary. The relief that was over-due to ner-kanam tenants was sought to be vouchsafed to them by the Tenancy Act of 1113, but the interpretation of the provision relating to renewal fee has resulted in a negation of the benefit intended by the legislature on account of the fact that the language adopted by the Legislature to give effect to their intention

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